

EXHIBIT 8
to Declaration of Jennifer Rae Lovko



Rae Lovko <rlovko@greenfirelaw.com>

Rethink35 et al. v. Texas Dep't of Transp., No. 1:24-CV-00092

Lisa Mitchell <Lisa.Mitchell@oag.texas.gov>

Wed, Sep 11, 2024 at 10:47 AM

To: Rae Lovko <rlovko@greenfirelaw.com>

Cc: Rachel Doughty <rdoughty@greenfirelaw.com>, Ryan Bates <rbates@batespllc.com>, Matt Gamboa-Lutz <Matt.Gamboa-Lutz@oag.texas.gov>, Aidan Read <Aidan.Read@oag.texas.gov>

Hello Rae and Rachel,

TxDOT has reviewed your request to supplement its administrative record dated 9/3/24 and responds as follows:

- TxDOT will supplement its administrative record with these documents: 8, 9, 10, 11, 12.
- TxDOT will not supplement its administrative record with these documents but does not object to plaintiffs asking the court to take judicial notice of these documents: 1, 4, 5.
- TxDOT's position is that the remaining documents were not relevant to TxDOT's decisionmaking process or are duplicative of documents/data already contained in TxDOT's administrative record, and therefore we don't agree they should be part of the record or that the court should take judicial notice of them: 2, 3, 6 (same data relied upon and provided, see Appendix O-Biological Resources), 7, 13, 14 (see AR061), 15—20.

Attached is the amended joint proposed scheduling order that includes some of what was discussed at the conference on Monday. Please let me know if it is agreeable and if so, I can get it filed today or tomorrow.

Lisa

Lisa McClain Mitchell

Assistant Attorney General

Transportation Division

Office of the Attorney General of Texas

P.O. Box 12548 (MC-020)

Austin, Texas 78711-2548

Direct: (512) 936-1431

Fax: (512) 936-0888

Lisa.Mitchell@oag.texas.gov



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2024-09-11 Joint Proposed Agreed Scheduling Order.docx
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